

FILED  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK 11/16/2018 1:55 pm

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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UNITED STATES OF AMERICA, : 15-CR-00242 (JFB)  
: 14-MJ-00852 (GRB)  
v. : 100 Federal Plaza  
: Central Islip, New York  
MICHAEL BELFIORE, : March 27, 2015  
Defendant. :  
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE GARY R. BROWN  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: LARA TREINIS GATZ, ESQ.  
United States Attorney's Office  
610 Federal Plaza  
Central Islip, New York 11722

For the Defendant: MARC C. GANN, ESQ.  
Collins Gann McCloskey & Barry PLLC  
138 Mineola Boulevard  
Mineola, New York 11501

Court Transcriber: SHARI RIEMER, CET-805  
TypeWrite Word Processing Service  
211 N Milton Road  
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording, transcript  
produced by transcription service

1 (Proceedings began 12:16 p.m.)

2 THE CLERK: Calling 2014-MJ-00852, USA v. Michael  
3 Belfiore.

4 Counsel, please state your appearance for the  
5 record.

6 MS. GATZ: Good afternoon, Your Honor; Lara Treinis  
7 Gatz for the United States.

8 THE COURT: Good afternoon, Ms. Gatz.

9 MR. GANN: Good afternoon, Your Honor; Marc Gann,  
10 G-A-N-N, for Dr. Belfiore.

11 THE COURT: And this is Dr. Belfiore, right?

12 MR. GANN: It is.

13 THE COURT: Everyone sit down and make yourselves  
14 comfortable. Make sure you use the mics.

15 Ms. Gatz, what are we doing here?

16 MS. GATZ: Your Honor, we are asking for the third  
17 and final order of excludable delay in this case. We're close  
18 to having resolved this case short of trial. The defendant is  
19 a doctor, and he's charged with oxycodone distribution. Part  
20 of the negotiations as it relates to the resolution of the  
21 case is the defendant winding down his practice, and he has  
22 hired civil counsel to do so. We're very close to resolving  
23 the case, and we believe by May 15th we will have resolved  
24 this case short of trial.

25 THE COURT: Mr. Gann, what do you have to say?

1 MR. GANN: Look, I agree with that, Your Honor.

2 THE COURT: Okay. The part of Ms. Gatz'  
3 presentation I like the best was the final, right, the third  
4 and final extension.

5 Dr. Belfiore, while I take a look at this, let me  
6 just make sure. I'm sure we -- you and I or at least other  
7 magistrates have discussed this with you before, right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: The Government has a limited amount of  
10 time to move these matters along, right? And what you're  
11 doing by signing this document -- which I assumed you signed,  
12 yes?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Right. You're extending their time to  
15 file an indictment or an information in this matter from today  
16 until 5/15 of '15. You understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. And you're doing that in the  
19 hopes that your attorney may be able to work something out  
20 with the Government to resolve part or all of the case. You  
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And you agree with it?

24 THE DEFENDANT: So far, yes, sir.

25 THE COURT: Okay. Is there something that you might

1 not agree with?

2 THE DEFENDANT: No, no, no. Nothing yet.

3 THE COURT: Okay. Good. Do you have any question  
4 for me or your attorney?

5 THE DEFENDANT: At this time, no.

6 THE COURT: Okay. Good. You like to qualify  
7 things. You might make a good lawyer some day, sir.

8 Okay. I find it is in Dr. Belfiore's interest but  
9 more importantly in the public interest to grant the exclusion  
10 because there's a reasonable likelihood that continued plea  
11 negotiations may resolve part or all the case. So I am  
12 executing this document.

13 Anything else we need to do today?

14 MS. GATZ: Nothing, Your Honor. Thank you very  
15 much.

16 MR. GANN: No, Judge. And it's not Ms. Gatz that's  
17 really responsible for the third and final request. It is --  
18 that's on me.

19 THE COURT: Well, thank you for following on the  
20 sword, sir.

21 MR. GANN: Okay.

22 THE COURT: Appreciate that.

23 MR. GANN: Thank you.

24 THE COURT: Doctor, good luck to you.

25 THE DEFENDANT: Thank you.

1 MS. GATZ: Thank you. That's it.

2 (Proceedings concluded at 12:18 p.m.)

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1 I certify that the foregoing is a court transcript from  
2 an electronic sound recording of the proceedings in the above-  
3 entitled matter.

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7 Shari Riemer, CET-805

8 Dated: November 14, 2018  
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